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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/643,436

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Thomas M. Forest

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11/21/2006

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EXAMINER

LANIER, BENJAMIN E

ART UNIT

PAPER NUMBER

2132

DATE MAILED: 11/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/643,436	Applicant(s) FOREST ET AL.	
	Examiner Benjamin E. Lanier	Art Unit 2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-20 is/are allowed.
- 6) ☒ Claim(s) 21 and 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                               | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                      | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 21, 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Simon, U.S. Patent No. 5,937,065. Referring to claim 21, Simon discloses a keyless motor vehicle entry and ignition system wherein a user activates a remote control by selected a function for the motor vehicle to perform (Abstract & Figure 1, element 12), which meets the limitation of a remote keyless entry transmitter. When activation of a function is desired, the driver presses the appropriate remote control switch and an initial code is sent to a second transceiver (Col. 5, lines 5-19). The second transceiver sends a challenge back to the remote control that is combined with a predefined secret seed number that is stored in the EEPROM of the remote control to generate an answer number (Col. 5, lines 38-50), which meets the limitation of a key generating key in the remote keyless entry transmitter, the key generating key never transmitted from the remote keyless entry transmitter, a mechanism in the remote keyless entry transmitter for generating a working key from the key generating key and the output. The remote control has a counter to increment security numbers when performing rolling codes procedures (Col. 1, lines 47-55), which meets the limitation of an incrementable counter in the remote keyless entry transmitter having an output.

Referring to claim 22, Simon discloses a keyless motor vehicle entry and ignition system wherein a user activates a remote control by selected a function for the motor vehicle to perform (Abstract & Figure 1, element 12), which meets the limitation of a remote keyless entry transmitter. When activation of a function is desired, the driver presses the appropriate remote control switch and an initial code is sent to a second transceiver (Col. 5, lines 5-19). The second transceiver sends a challenge back to the remote control that is combined with a predefined secret seed number that is stored in the EEPROM of the remote control to generate an answer number (Col. 5, lines 38-50), which meets the limitation of a key generating key provided in a remote keyless entry device and never transmitted from the remote keyless entry device, a number generator configured to generate a number for use as a working key, the number based on the key generating key. The answer number is then sent to the second transceiver (Col. 5, lines 52-54), which meets the limitation of a transmitter configured to transmit the working key to a motor vehicle during a training session.

***Allowable Subject Matter***

3. Claims 1-20 are allowed.
4. The following is a statement of reasons for the indication of allowable subject matter:  
The prior art does not disclose or make obvious a remote keyless entry device that generates a working key from a stored key generating key and transmitted to a motor vehicle receiver. Subsequent commands transmitted from the keyless entry device to the motor vehicle receiver are encrypted with the working key.
5. The closest prior art (Hussey, U.S. Patent No. 6,130,622) discloses a remote convenience vehicle system comprising a portable transceiver and a vehicle-based transceiver wherein a

current key is generated from a stored system key. Unlike the claimed system, the vehicle-based transceiver of Hussey generates the key and transmits the generated key to the portable transceiver. Subsequent commands transmitted from the portable transceiver of Hussey can be encrypted, but there is no disclosure of what key is used to encrypt the commands that are transmitted to the vehicle-based transceiver.

### *Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Simon, U.S. Patent No. 5,937,065

Chuey, U.S. Patent No. 7,039,397

Furuta, U.S. Patent No. 6,225,889

Latka, U.S. Patent No. 5,369,706

Hussey, U.S. Patent No. 6,130,622

Selektor, U.S. Patent No. 7,050,947

Marino, U.S. Patent No. 6,026,165

Rast, U.S. Publication No. 2003/0076968

Lerner, U.S. Patent No. 6,157,722

Thompson, U.S. Patent No. 5,978,483

Murray, U.S. Patent No. 5,898,397

Johnson, U.S. Patent No. 6,185,307

Conner, Cryptographic Techniques Secure Your Wireless Designs

Art Unit: 2132

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin E. Lanier whose telephone number is 571-272-3805.

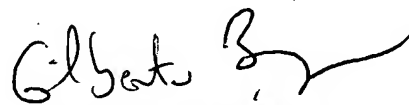
The examiner can normally be reached on M-Th 7:30am-5:00pm, F 7:30am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Benjamin E. Lanier



GILBERTO BARRON JR  
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